

EXHIBIT

4

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

THE CITY OF HUNTINGTON,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN DRUG

CORPORATION, et al,

Defendants.

CABELL COUNTY COMMISSION,

Plaintiff,

vs.

AMERISOURCEBERGEN DRUG

CORPORATION, et al,

Defendants.

Videotaped and videoconference deposition of
KELLI SOBONYA, taken by the Defendants pursuant to the
West Virginia Federal Rules of Civil Procedure, in the
above-entitled action, pursuant to notice, before Twyla
Donathan, Registered Professional Reporter and Notary
Public, at the Mountain Health Arena, ONE CIVIC CENTER
PLAZA, HUNTINGTON, WEST VIRGINIA, on the 10th
day of July, 2020.

1 Commission of selling its claim in this lawsuit?

2 A There has not been one conversation of selling
3 this lawsuit.

4 Q Do you know what I mean when I say selling the
5 County's claim in this lawsuit?

6 A I do know what you mean, and there has not been
7 a conversation about that. And I know my name is on it as
8 a recipient of this email, but I don't remember this.

9 Q So there hasn't been -- Setting aside this
10 particular outfit, Fulcrum Capital, you don't recall any
11 discussion by the County Commission about an arrangement
12 like this with anybody?

13 A No. I can't speak for the other two
14 commissioners, but I have not. And we have not.

15 Q You mentioned earlier, Commissioner, that -- I
16 think you said that you had never been prescribed opioids
17 yourself outside of the hospital?

18 A I have had several surgeries. I don't recall --
19 I don't recall being prescribed -- I had a surgery maybe
20 30 years ago, that it was possible.

21 Based upon my knowledge and experience with
22 family members and their addiction to opioids, one that
23 resulted in the death of my cousin, who had a workplace
24 injury and was prescribed opioids -- and we just buried

1 her this year -- I had two back surgeries, and even though
2 the doctor wanted to write me a prescription, I refused
3 because of my experience.

4 Q So you refused prescriptions for opioids when
5 they've been offered to you?

6 A Since this opioid epidemic started, I have
7 refused -- To my knowledge, I mean, I can't tell you -- I
8 can't tell you with -- unequivocally without a doubt that
9 I ever was prescribed an opioid and took one. It's my
10 recollection that I did not. I know from my two back
11 surgeries, I declined the offer for a prescription post
12 release.

13 Q Were those recent?

14 A This surgery to repair three ruptured disks was
15 probably seven years -- six or seven years ago, maybe
16 longer, maybe ten years. And my lower back, I had my
17 surgery to repair a ruptured disc, I would say a year and
18 a half to two years ago.

19 Q And you have already mentioned that you have had
20 some family members who have had adverse experience with
21 opioids?

22 A Yes, my cousin Rachel lived in Huntington. She
23 was prescribed opioids due to a workplace injury. She got
24 hooked on those, and she has since -- we buried her this

1 year. She left behind a 14-year-old son.

2 My nephew, who was a football player in Wayne
3 County, was prescribed opioids for a shoulder injury. And
4 he is still in the throes of addiction, in and out of
5 some -- you know, multiple arrests. And he's still
6 addicted.

7 I have multiple friends, you know, who've lost
8 children and now they're raising their grandchildren.
9 I've had experience with friends who, to the shock of the
10 family members, the baby was born drug exposed and placed
11 into Lilly's Place for care. And since then, there's been
12 suicide.

13 And my friend is -- I have multiple friends that
14 are raising their grandchildren, who are older than me,
15 because they've lost children to the opioid addiction
16 problem from overdoses or from subsequent suicide.

17 And I can attest to the fact that the children
18 born exposed to opioids are continuing to have problems.
19 One of my good friends is raising her five-year-old
20 grandchild, and she wears diapers and cannot effectively
21 communicate. My other friend who is raising her grandson
22 who is four years old who was put into Lilly's Place, he
23 had -- like I said, the mother committed suicide because
24 she got back into opioids and addiction. And her fiance

1 jumped off the Ohio River bridge here in Huntington. He
2 survived, and he is back living with his mother, and she
3 is raising -- helping to raise his son who has severe
4 problems. He is going through therapy -- it's behavioral,
5 because of his exposure to opioids while in the womb.

6 And it's an ongoing process. They actually --
7 they lived in a townhouse community, you know, getting --
8 gearing up for their retirement, and they now have had to
9 build another house to accommodate their grandson living
10 with them.

11 I had a friend who -- she came to me because her
12 granddaughter was killed by someone who ran the flashing
13 lights of a school bus that had stopped, and her
14 granddaughter who was six had died. And so we passed
15 Haven's Law, and I got to know her through that effort.
16 And I got the call from her that her daughter, who was
17 waiting for a treatment bed -- she was addicted to opioids
18 for a number of years, and I got the call of her screaming
19 and saying that her daughter, waiting for a treatment bed,
20 used again and she died of an overdose. And now my
21 friend, who is probably ten years older than me, is
22 raising her three granddaughters left behind. The
23 youngest was a year old when her mother overdosed.

24 I mean, I could just -- I could go story after

1 story. I mean, I've known so much pain from this opioid
2 addiction. As a policymaker, I'm part of -- When I was in
3 the legislature -- I'm sorry. I'm getting emotional
4 because I know the effects of what the opioids have done
5 to my friends and their families, but --

6 Can I get my thoughts?

7 MS. KNIGHT: Yes, ma'am. Take a break.

8 MR. RUBY: Sure. Take a break.

9 VIDEOGRAPHER: Going off the record. The
10 time is 4:40 p.m.

11 (A recess was taken.)

12 VIDEOGRAPHER: We're back on the record.
13 The time is 4:48 p.m. This begins Unit No. 4 in the
14 deposition of Kelli Sobonya.

15 THE DEPONENT: I think I was in the middle
16 of a sentence where I was talking about -- You know, as a
17 policymaker, our women's caucus toured the NIC unit in
18 Charleston at the hospital, and one of the things we were
19 focusing on in our meetings as a women's caucus was the
20 opioid epidemic and the effect on women and children and
21 families throughout the state, because we all represented
22 different parts of the state.

23 And so we went and met with the doctor who
24 was in charge of the NICU Unit, and more importantly the

1 portion where they treated drug exposed infants. And we
2 were touring inside the NICU Unit, and it still stays with
3 me today, to see those babies -- and I have witnessed it
4 at Lilly's Place when I toured Lilly's Place for, you
5 know, many numerous times, not only as a county
6 commissioner, but as a former legislator. And to see the
7 babies and what they have to go through -- I mean, I'm a
8 mother and a grandmother, and to see them just jerk and
9 cry just uncontrollably.

10 You know, it's something that takes
11 place -- I think I read that maybe larger, but one in ten
12 babies here in West Virginia are born drug exposed. And,
13 you know, to see what infants coming into the world
14 already have -- you know, have it difficult, but to have
15 to go through withdrawal like that based upon no action of
16 their own.

17 I met with the director of Lilly's Place.
18 She was a nurse, Sarah Murray, and she helped found Lily's
19 Place. You know, I know Congressman Jenkins was
20 instrumental, and the legislature worked with her on that.
21 And she wanted to see a more quiet -- It was her desire
22 and vision to put these babies that were born drug
23 exposed, instead of the bright lights of a NICU unit, to
24 try to make it more of a home environment.

1 And, so, I don't know if anybody has been
2 to Lilly's Place, but if not, I would challenge you to
3 visit there. But in talking with her face-to-face, she
4 said, "You know, Kelly," she goes, "I used to hate these
5 mothers that would put their babies through that. I used
6 to hate and loath them. I had to treat it and be there
7 for these infants, but I used to just -- and you know, as
8 a Christian it was hard for me to have that hate in my
9 heart. And then I realized, working with those who are
10 addicted, they didn't choose -- I know that when you're
11 prescribed opioids, you make that determination if you're
12 going to, I guess, fill the prescription or what. But
13 when your doctor prescribes opioids and you become
14 addicted to the power of that, you think that it can't
15 interfere with the bond of motherhood, but" she said, "I
16 used to despise these girls, and as a Christian I knew I
17 couldn't."

18 And she said, "So I started asking the
19 girls, you know, why did you get into addiction?" You
20 know, some of them were because of a prescription that was
21 written, or it was generational because their parents were
22 addicted. But some of the stories were that the parents
23 would drop them off at the bridge going into Ohio, and
24 make them become prostitutes to feed their parents' drug

1 habits, you know, because there was already one generation
2 lost, and now we're onto a second.

3 And now, with these babies drug exposed,
4 you know, in vitro, we're looking at another generation.
5 So this is something that's affecting generation after
6 generation.

7 Grandparents, who, like me, instead of
8 traveling, they're having to raise these babies that have
9 residual problems and ongoing problems that could affect
10 them for life. So, yeah, I could go -- I could sit here
11 until next week and tell you of the stories of my personal
12 experience, not only with family members, the ones that
13 we've buried, the ones that are still on the streets
14 because of their addiction from being prescribed opioids,
15 just one after the other, and I see it every day.

16 Our Congresswoman Carol Miller, she was a
17 legislator that served with me, and we were good friends.
18 And we decided because of the individuals that came up to
19 us and said we've lost a family member to opioids, our
20 child is still in addiction, we don't know what to do.

21 And we held a town hall meeting -- this is
22 apart from the one I described earlier, and it was at the
23 Cabell Midland High School. We had -- the auditorium was
24 filled. We just put it out on social media, or you know,

1 in the newspaper, that we were going to have a
2 community-wide conversation about the opioid epidemic.
3 And it was filled. That auditorium was filled.

4 And I posed the question, I said, "Raise
5 your hand if you have a family member or a friend -- if
6 you know someone personally who has been affected by the
7 opioid crisis." And I can tell you that I didn't see one
8 hand not go up. Not one hand.

9 And so I've been committed to try to
10 address this through legislation as a former lawmaker, now
11 as a county commissioner. We don't have the resources to
12 address this on our own. That's why we've reached out to
13 the community for some help in trying to come up with a
14 solution and an abatement to this.

15 I can tell you that to the family
16 members -- I'm a county commissioner that's here as a
17 county commissioner and as an individual commissioner, you
18 know, and maybe not even representing the full commission,
19 and I have -- I'm dressed up in a suit, but I am the face
20 for the people of Cabell County that have lost loved ones
21 to this opioid problem. And I'll continue to advocate and
22 fight for them.

23 And if anyone has a hand in this, they
24 should be held accountable. I truly believe that there

1 was a duty, an obligation, to do certain things. A lot of
2 balls were dropped. And I think it's now time to be
3 accountable. Because profit over these families and these
4 people, it's not worth it.

5 And I'm sorry that it takes a lawsuit to
6 get these people the help that they need, and the future
7 generations -- and I'm sorry for this, I'm sorry for
8 becoming emotional.

9 MS. KNIGHT: Do you want to take a second?

10 THE DEPONENT: I'm okay. I just want to
11 get this over with.

12 MS. KNIGHT: Just take a second while we
13 sit here, collect yourself and go off the record for a
14 minute. Want to do that?

15 THE DEPONENT: Yeah.

16 MS. KNIGHT: Let's do that.

17 VIDEOGRAPHER: Going off the record. The
18 time is 4:55 p.m.

19 (Pause)

20 VIDEOGRAPHER: We're back on the record.

21 The time is 4:56 p.m.

22 BY MR. RUBY:

23 Q Commissioner, did you want to --

24 A Like I said, I could go on and on. You know,

1 Craig (indiscernible) -- I shouldn't maybe mention names,
2 but he has now formed a new recovery program here in
3 Huntington called the Huntington Addiction Wellness
4 Center. And he was a soccer player for Marshall. He was
5 on scholarship, and his family was my neighbor. And
6 watched him growing up and going to Cabell Midland High
7 School. And he was injured in soccer and got prescribed
8 opioids, and like the others, just, you know, just became
9 addicted. And he basically was on the path of
10 destruction, living on the streets.

11 And he since has received recovery. I think he
12 has been sober for three years. And so he started a new
13 program. And I'm hoping for the best, you know, for it.
14 But those types of things take funding and, you know, to
15 operate, so.

16 Q Commissioner, I just have a few follow-up
17 questions, and then I think we'll be finished. On the
18 subject of recovery programs, when we were speaking
19 earlier today about some of the programs that exist in
20 Cabell County right now, you testified that the recovery
21 rate is very low, from what we can ascertain? The
22 recovery programs? Is that correct?

23 A I can only discuss what the -- the discussions
24 that took place in the legislature, you know, about the